

SOUTH CAROLINA STATE ACCIDENT FUND

2011 Case Law Update

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James v. Anne's

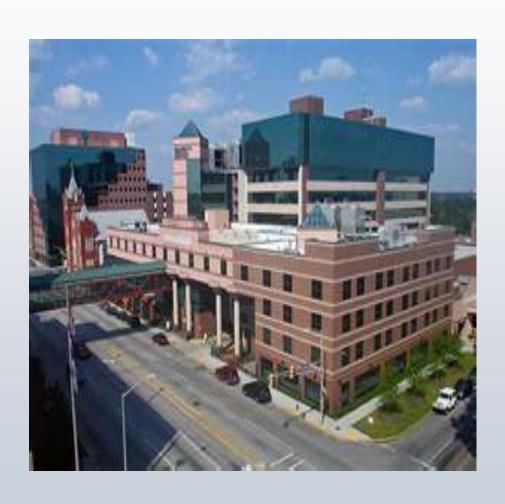
390 S.C. 188, 701 S.E.2d 730 (2010)



 WCC can force carriers to allocate settlement or hearing proceeds over the lifetime of the claimant

Matute v. Palmetto Health Baptist

Op. No. 4777, S.C. App. filed 1/19/11



- Employee leaving work is subject to the "going and coming" rule, where:
 - * she was not on employer business
 - * fell on public sidewalk
 - * had a choice of ways to exit the workplace
 - * employer did not control, maintain or own the sidewalk

Average Weekly Wage/Compensation Rate

Pilgrim v. Eaton, 391 S.C. 38, 703 S.E.2d 241 (Ct. App. 2010)



In order to depart from the primary method of calculating AWW/CR, the employment must extend over less than 52 weeks or exceptional reasons exist making it unfair not to do so.

Three alternative methods:

- 1) Actual wages divided by actual working time
- 2) Similar Employee
- 3) Other

WHAT CAN YOU APPEAL? WHEN CAN YOU APPEAL?



- Interlocutory appeals are not directly appealable.
- Interlocutory means 'not final'
- An order of the Circuit Court remanding a case for additional proceedings before an administrative agency is not directly appealable.

Long v. Sealed Air Corp., Op. No. 4783 (SC App. filed 1/26/11)